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REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIM 19 UNDER 35 U.S.C. § 103

The Examiner has rejected claim 19 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Baum et al. (U.S. Patent 6,771,673, issued on August 3, 2004, hereinafter referred to as "Baum") in view of Stoner, et al. (U.S. Patent 6,052,383, issued on April 18, 2000, hereinafter referred to as "Stoner") and in further view of Tsukamoto et al. (U.S. Patent 6,498,794, issued December 24, 2002, herein referred to as "Tsukamoto".) In response, the Applicants respectfully traverse the rejection.

Baum teaches a method and apparatus and data structures for providing access to an edge router of a network. Baum teaches a method of aggregating physical connections from customers for presentation to an access router and de-aggregating traffic from a shared link(s) from the access router. (See Baum, Abstract.) Baum teaches a method of adding customer addressing information by encapsulation of the customer's original IP traffic. (See Baum, Col. 15, lines 50-53.) There are two separate frames, the MAC sublayer protocol and the modified Ethernet frame containing the customer information. (See Baum, Col. 13, line 61 – Col. 14, line 5; Col.15, lines 63-66.) Baum teaches that the Ethernet frame is independent of the original IP packet. (See Baum, Col. 16, lines 12-15.)

Stoner teaches a LAN to ATM backbone switch module. Information or data is sent to a LAN and the LAN processes this information or data into a format to be stored in a memory means. (See Stoner, Col. 4, Lines 15-22.) While the information is in the memory means it is analyzed and modified into an ATM format and transferred out of the memory means through the ATM port and ATM line. (See *Id.* at 23-29.)

Tsukamoto teaches a transmitter with cell switching function. (See Tsukamoto, Title.) Tsukamoto provides a transmitter capable of efficiently mapping ATM cells of

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multiple channels to one STS-1 signal. (See Tsukamoto, Col. 2, Lines 18-20.) In doing so, Tsukamoto uses a ring network composed of optical fiber. (See Tsukamoto, Col. 5, Lines 59-62.)

The Applicants respectfully submit that Baum, Stoner and Tsukamoto, alone or in any permissible combination, fail to teach, show or suggest an Ethernet protocol network wherein the receiving platform maps the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits. Specifically, Applicants' independent claim 19 recites:

19. An Ethernet protocol network comprising:
a fiber ring infrastructure; and
a plurality of platforms coupled to the fiber ring infrastructure, each platform serving at least one customer for statistically multiplexing frames onto the fiber ring infrastructure from said one customer and for statistically demultiplexing frames off the fiber ring infrastructure to the one customer
wherein each platform sending a frame containing a plurality of bits overwrites at least one of the plurality of bits of said frame with a customer descriptor that identifies the sending customer; and routes the frame on a path obtained by mapping the customer descriptor to such path, wherein the receiving platform maps the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits. (Emphasis Added.)

Applicants' invention teaches the novel concept of an Ethernet protocol network wherein each platform sending a frame containing a plurality of bits overwrites at least one of the plurality of bits of said frame with a customer descriptor that identifies the sending customer; and routes the frame on a path obtained by mapping the customer descriptor to such path, wherein the receiving platform maps the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits. The Applicants' invention teaches a method of routing to logically separate traffic received from different customers, resulting in better data security, by modifying the same frame of the original IP data packet. (e.g., See Applicants' Specification, page 5, lines 9-20 and) The Applicants' invention teaches that the bits within the frame or, more specifically, the VLAN identifier field within the frame, can be modified with customer identification information. As such, this

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overwriting step is performed by the platform sending the frame in the Applicants' invention. (e.g., See Applicants' Specification, Page 7, Lines 20-22.)

As stated above, Baum, Stoner and Tsukamoto, either individually or in any permissible combination, fail to teach, show or suggest the Applicants' invention. First, Baum teaches a method where context information is inserted when the packet is received. (See Baum, Column 8, lines 16-22) This approach teaches away from Applicants' invention, where Applicants' claim 19 positively recites "wherein each platform sending a frame containing a plurality of bits overwrites at least one of the plurality of bits of said frame with a customer descriptor that identifies the sending customer". Finally, Stoner and Tsukamoto fail to bridge the substantial gap left by Baum because both Stoner and Tsukamoto also failed to teach the concept wherein each platform sending a frame containing a plurality of bits overwrites at least one of the plurality of bits of said frame with a customer descriptor that identifies the sending customer.

Therefore, the combination of Baum, Stoner and Tsukamoto does not teach or suggest Applicants' invention as recited in independent claim 19. Therefore, the Applicants respectfully request the rejection be withdrawn.

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Conclusion

Thus, the Applicants submit that all of the claim now fully satisfies the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that the claim is presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

5/9/05

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